

## REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

In the Amendment, independent claims 8 and 9 have been amended to further distinguish the present invention from the applied prior art. In addition, new claims 16 and 17 are also added. Claim 5 has been cancelled to avoid duplication with the amendments to claim 9.

### Claim Rejections - 35 U.S.C. §112:

Claims 2-15 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite because of the reference to the ASTME standards. In response to that rejection, the claims have been amended to define the standards as the ASTME standards in effect as of June 9, 2000, the first effective filing date of the present application. In view of the fact that the old standards are always available in libraries or archives, the claim is now rendered definite by defining which standard is considered. If requested by the Examiner, a copy of the standards in effect at the relevant time can be submitted so as to be in the permanent public file.

In view of the amendments, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection under 35 U.S.C. §112, second paragraph.

### Art Rejections:

Claims 2-15 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,833,070, hereinafter *Mizuno*, in view of U.S.

Patent No. 5,443,161, hereinafter *Jonese*; and PCT Publication No. WO 97/46188, hereinafter *Guarracino*.

*Mizuno* discloses a package for protecting an electronic product, wherein the package comprises a stretched PCTFE film. The PCTFE film 14 is applied to one surface of a rigid resin film 11, and a moisture-non-pervious substrate film 18 of aluminum coated on one surface thereof is provided to complete the package see column 7, line 59 through column 8, line 10.

In *Mizuno*, the moisture permeability has been measured by enclosing an amount of calcium chloride between two films and thereafter subjecting the package to moisture and measuring how much moisture had been absorbed by the calcium chloride. This method for measuring the permeability that was used in *Mizuno* is not a standard method. Furthermore, the plastic film in *Mizuno* is stretched to acquire the reduced vapor permeability. It is disclosed at column 4, line 53, et seq. that it is advantageous to have a crystallinity for the plastic of 50 to 75% in order to achieve fluid proofness. Such stretching causes the film to become fragile, stiff and rustely, which makes an unsuitable for use in hygienic articles. A film for hygiene articles should be silent and smooth so as to be discreet when opened by the consumer.

*Jonese* discloses a diaper changing kit that includes a package enclosure 12 that is made of 2 mm thick polypropylene film. The package is used to hold, among other elements, two diapers.

*Guarracino* is relied upon by the Examiner merely for the teaching of an absorbent product having moisture sensitive materials, such as silica gels for absorbing moisture.

In response to the rejection, the independent claims 8 and 9 have been carefully amended to clearly distinguish the present invention over the applied prior art. In particular, the pack is now defined as having at least two material layers one of which is an inner moisture barrier that is comprised of at least one essentially impervious film made from one of the materials listed in the claims. In addition, the contents of the pack have been more clearly limited to a specific list of absorbent articles.

Applicants submit that the foregoing amendments to the claims clearly distinguish the invention from the applied prior art. In particular, the Examiner's attention is directed to page 6, line 18 et seq. which specifies that the packaging materials preferably comprise several layers. The specification indicates that the material intended to form the moisture barrier is often expensive and there is preferably used the thinnest possible film with which the moisture blocking properties will nevertheless be acceptable. In order to produce packaging material that has sufficient strength and can be readily sealed, a less expensive material can be joined with the moisture barrier layer in order to provide a cost effective yet adequate film that complies with the water vapor transmission rate set forth in the claims. Applicants submit that the applied prior art does not teach or suggest the present invention.

Furthermore, Applicants question the alleged motivation provided by the Examiner for combining a stretched film process used for packaging electronics goods with the remaining references relating to absorbent products. Applicants submit that the Examiner's combination of the applied references is based on

hindsight and that there is no adequate motivation or suggestion in the art for making the combination applied by the Examiner.

Furthermore, to further define the protection to which Applicants are entitled, new claims 16 and 17 are also added to the application. The new claim 16 and 17 depend respectively from claim 8 and 9, and indicate that the moisture sensitive additive is an active additive. Examples of the active additives may be found on page 9 of the specification.

In view of the foregoing amendments and remarks, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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